

Amendment No. 2 to HB2162

Smith  
Signature of Sponsor

**AMEND Senate Bill No. 2132**

**House Bill No. 2162\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding the following as a new section:

**56-7-2509.**

(a) As used in this section:

(1) "Advanced metastatic cancer" means cancer that spreads from the primary or original site to the nearby tissues, lymph nodes, or other parts of the body;

(2) "Associated conditions" means the symptoms or side effects associated with advanced metastatic cancer, or its treatment, that in the judgment of a healthcare practitioner, further jeopardize the health of a patient if left untreated;

(3) "Health benefit plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services; and

(4) "Health carrier" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit

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hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or healthcare services.

(b) If a health benefit plan provides coverage for advanced metastatic cancer and associated conditions, then the health benefit plan shall not require, before providing coverage of a prescription drug approved by the United States food and drug administration, that an enrollee:

- (1) Fails to successfully respond to a different drug; or
- (2) Proves a history of failure of a different drug.

(c) This section applies only to the use of a drug that is:

- (1) Consistent with best practices for the treatment of advanced metastatic cancer or an associated condition;
- (2) Supported by peer-reviewed, evidence-based literature; and
- (3) Approved by the United States food and drug administration.

(d) This section applies to any health benefit plan offered by any state or local insurance program under title 8, chapter 27.

(e) Notwithstanding § 56-7-1005, this section does not apply to:

- (1) The TennCare program under title 71, chapter 5, part 1, or any successor medicaid program under title 71, chapter 5; or
- (2) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11, or any successor program.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to all health benefit plans entered into, renewed, amended, or delivered on or after that date.